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13 UNITED STATES DISTRICT COURT
14 SOUTHERN DISTRICT OF CALIFORNIA
15

16 INSWEB CORPORATION,

17 Plaintiff,

18 v.

19 AUTOBYTEL, INC., AUTOBYTEL I
CORP., f/k/a AVV, INC., and DOMINION
20 ENTERPRISES,

21 Defendants.
22

Case No. 08-CV-0447 WQH (LSP)

**JOINT MOTION TO PERMIT
PLAINTIFF TO FILE A SECOND
AMENDED COMPLAINT**

23 Plaintiff INSWEB CORPORATION and Defendants AUTOBYTEL, INC., AUTOBYTEL I
24 CORP., f/k/a AVV, INC. and DOMINION ENTERPRISES, by and through their respective counsel
25 hereby jointly move the Court for an order permitting Plaintiff to file a Second Amended Complaint.

26 This Joint Motion is based on the following facts:

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1 In the Joint Motion for Enlargement of Time to Respond to Complaint filed by the parties on
 2 May 27, 2008 (Doc. #21), Plaintiff indicated that it was contemplating filing a Second Amended
 3 Complaint, and that it would determine whether it would do so or would proceed with the First
 4 Amended Complaint presently on file by June 16, 2008. Defendants agreed to provide their written
 5 consent to the filing of a Second Amended Complaint, in exchange for a short enlargement of time to
 6 July 7, 2008 to respond to the Complaint on file as of June 16, 2008.

7 On June 2, 2008, the Court issued a Minute Order granting the parties' Joint Motion for
 8 Enlargement of Time to Respond to Complaint, granting Defendant an extension of time until July 7,
 9 2008 to file a response to the operative Complaint on file as of June 16, 2008. (Doc. #22.) The
 10 Minute Order is silent as to the filing by Plaintiff of a Second Amended Complaint.

11 Plaintiff attempted to file a Second Amended Complaint on June 16, 2008, but the Court
 12 issued a Discrepancy Order rejecting the same on the grounds that an amended pleading beyond a first
 13 amended pleading requires the opposing party's written consent or leave of court. The parties
 14 believed that Defendants' written consent to the filing of Plaintiff's Second Amended Complaint was
 15 embodied in their Joint Motion filed on May 27, 2008 (Doc. #22.) In light of the Discrepancy Order,
 16 the parties understand that their prior Joint Motion was not clear in that regard. Plaintiff and
 17 Defendants therefore submit this Joint Motion to Permit Plaintiff to File a Second Amended
 18 Complaint.

19 Good cause exists for the relief sought through this Joint Motion because Defendants
 20 previously stipulated to the filing of a Second Amended Complaint by Plaintiff. No prejudice will
 21 result because Defendants will still have up to and including July 7, 2008 to file a response to the
 22 Second Amended Complaint. Plaintiff and Defendants therefore respectfully request that the Court
 23 grant this Joint Motion.

24
 25 DATED: June 19, 2008

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

26
 27 By: /s/ Michelle A. Herrera

Michelle A. Herrera

Attorneys for Plaintiff INSWEB CORPORATION

1 DATED: June 19, 2008

JACZKO GODDARD LLP

2
3 By: /s/ Allison H. Goddard

Allison H. Goddard

4 Attorneys for Defendants AUTOBYTEL, INC.,
5 AUTOBYTEL I CORP., f/k/a AVV, INC. and
6 DOMINION ENTERPRISES

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